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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,792	05/21/2001	Timothy L. Coyle	51181.00002	8927

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Applicati n No.	Applicant(s)
	09/863,792	COYLE, TIMOTHY L.
Examiner	Art Unit	
Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 May 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

*Information Disclosure Statement*

- 1.
2. The information disclosure statement filed 25 September 2001 has been considered for this Office Action.

*Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1,2,7,8,14,17,18,21-26 and 28-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims only recited a recommendation information providing method where no technology utilizing computers is provided in the method.

*Claim Objections*

Claim 17, line 1, "are" should be replaced with --is--.

Claim 29, line 1, "comprises' should be replaced with --comprise--.

Claim 30, line 2, "comprises' should be replaced with --comprise--.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 9-12, 14, 15, 17-24, 26, 27 and 31-33 rejected under 35 U.S.C. 102(e) as being anticipated by Nagano et al. (US 2002/0065747 A1).

A method for fundraising comprises registering (10a) an entity (15a), displaying on a viewable medium hosted by a service provider one or more products (15e) for sale, selling a displayed product to a customer (Paragraph 0011-0014) and distributing a portion of the revenues from the product sold to the registered entity (Paragraph 0080). Registering the entity comprises one of a person, a group of persons or an organization with a service provider (Paragraph 0061 and Figs. 1 and 2). The product sold is adapted to display an image selected by the customer (Paragraph 0066).

The method further comprises displaying one or more images on the viewable medium including the image selected by the customer (Paragraph 0065).

The viewable medium comprises a website hosted on a web server (1) and accessed by a computer via the Internet (Fig. 1).

Registering comprises receiving identification information for the entity and issuing an identifier for the created photo album to the entity for access to the created photo album (Paragraph 0061).

The website is operative to enable the entity to access information relating to viewing and purchasing activity from the created photo album (Paragraph 0072).

Distributing the portion of revenues comprises distributing a first portion of revenues to the registered entity and distributing a second portion of revenues to a different entity (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

The different entity comprises a default charity (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

A computer program product (1) includes machine-readable code stored in a distributed storage medium comprising a code for facilitating registering (10a) an entity (15a) with a service provider, a code for displaying one or more products for sale on a viewable medium hosted by a service provider (Paragraph 0065), a code for closing a sale to a customer of a displayed product on which an image selected by the customer is reproduced (Paragraph 0011-0014), a code for determining revenues from closing sales of displayed products (15f) and a code for allocating a portion of the determined revenues to the registered entity (Paragraph 0071 and 0072).

The program product further comprises a code for displaying one or more provided images on the viewable medium and a code for allowing the customer to select the image to be reproduced on the displayed product from the displayed one or more provided images (Paragraph 0065).

The code for allocating the portion of determined revenues comprises a code for allocating a first portion of determined revenues to the registered entity (Paragraph 0071-0072) and a code for allocating a second portion of determined revenues to a different entity (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

A method of hosting fundraising comprises providing a platform on which a host entity displays one or more images (Paragraph 0065), offering for sale on the platform one or more products on which the displayed images may be reproduced (Paragraph 0065) and distributing to the host entity a portion of the revenues from products sold with reproduced images from the displayed one or more images (Paragraph 0071 and 0072).

The platform comprises a website (1) hosted on a server computer.

The portion of the revenues is distributed to one or more entities other than the host entity (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

A system (1) for fundraising comprises means for registering (10a) an entity (15a) with a service provider, means for posting one or more images selected by the registered entity (Paragraph 0011-0014), means for enabling one or more customers to view the posted images and for displaying one or more product for sale to the one or more customers (Paragraph 0065), means for enabling the one or more customer to purchase one or more displayed products and to select for reproduction on each purchased product (Paragraph 0065), one or more posted images, and means for determining revenues from purchased products and a portion thereof to be distributed to a registered entity (Paragraph 0071 and 0072).

The means for registering, posting and enabling customers to view the posted images and displaying products for sale comprises respective pages of an application program interface hosted by a computer server accessible over a communication network (Fig. 1).

The means for determining revenues and the portion thereof to be distributed to the registered entity comprises a processor in the computer server machine readable code (Paragraph 0071 and 0072).

A method for fundraising comprises registering (10a) an entity (15a) with a service provider (1), displaying one or more images on a web site hosted by the service provider (Paragraph 0011-0014), displaying one or more products for sale on the web site hosted by the service provider (Paragraph 0065), selling at least one displayed product to a customer (Paragraph 0065) and distributing a portion of the revenues generated from the sale of product to a designated entity (Paragraphs 0071 and 0072). The entity comprises one of a person, a group of persons or an organization (Paragraph 0046). Each product sold includes an image selected by the customer from the one or more displayed images (Paragraphs 001-0014 and 0065).

Registering (10a) comprises receiving information identifying the registered entity , receiving information, if any, identifying the designated entity, creating at least one photo album for the registered entity and issuing an identifier to the registered entity to identify and access the created photo album (Paragraph 0046 and Fig. 2).

The method further comprises providing the issued identifier to prospective viewers of the photo album for which such identifier has been issued (Paragraph 0047).

The method further comprises distributing another portion of the revenues to a party other than the registered entity or designated entity (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

The service provider selects the party (Paragraph 0072 and the second portion of revenues are distributed to a different entity which is the website hosting the fundraising).

The program product further comprises code for organizing and reporting information relating to viewing of displayed images and purchasing activity (Paragraph 0058).

The method further comprises providing the registered entity access to reports of at least one of sales of products activity and image viewing activity (Paragraph 0058).

The system further comprises means for enabling the registered entity to access reports containing information relating to viewing of posted images and purchases of distributed products (Paragraph 0058).

The means for enabling the registered entity to access reports comprise relative pages of an application program interface hosted by a computer server accessible over a communication network (Paragraph 0058).

#### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano.

Nagano discloses a method for fundraising as described above for the rejection of claim

1. Nagano fails to disclose that the displayed product comprises a photo print. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention that although the display product disclosed by Nagano is meant to be displayed in a computer monitor, it does not preclude a customer from reproducing the displayed image and obtaining a photo print from the display product as is commonly done in the art.

Regarding claims 29 and 30, where claim 29 is for the method disclosed in claim 14 and claim 30 is for the method disclosed in claim 21, the same rejection as claim 28 will apply for both claims.

9. Claims 8, 13, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Bulman et al. (US 2003/0051255 A1).

Nagano discloses a method for fundraising comprising all the elements recited above for the rejection of claim 1. Nagano fails to disclose that the different entity comprises a referring entity that referred the entity to register with the service provider. Bulman teaches a method for fundraising comprising a plurality of entities (Paragraph 0023 and Paragraph 0111), displaying on a viewable medium hosted by a service provider on or more product for sale (Paragraph 0023), selling a displayed product to a customer with an image selected by the customer (Paragraph 0023) and distributing a portion of the revenues from the product sale to the entities (Paragraph 0124 and 0125). The distribution of the revenues includes distributing a portion of revenues to the registered entity and distributing a portion of revenues based on referrals. Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to use the distribution of a portion of revenues for referrals as taught by Bulman in the method disclosed by Nagano. Doing so, will motivate new referrals of entities to the system since the registered entities will benefit from the sales of the products sold by their referred entities.

Regarding claims 13, 16 and 25, the same rejection of claim 8 will apply to these different claims since the essence of these claims is having a portion of the revenues distributed to a referral entity just as specified above for claim 8 since Nagano was used to reject the base claims for all these claims.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arledge, JR. et al. (US 6,535,294 B1), Kito (US 2002/0099565 A1), Sutherland et al (US 2002/0112001 A1) and Capozzi et al. (US 2003/0144923 A1) are cited to show state of the art with respect to a system that allows placing an image in a product through the Internet.

Batty et al. (US 2002/0107701 A1) is cited to show state of the art with respect to monitoring sale of a product through the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9326) on (Date).

(Typed or printed name of person signing this certificate)

(Signature)

Art Unit: 3677

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*R.C.R*  
rcr

August 26, 2003

*Robert J. Sandy*  
ROBERT J. SANDY  
PRIMARY EXAMINER